

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

HARVINDER P. JULKA,

Plaintiff,

- against -

THE AUTOMOBILE INSURANCE COMPANY OF
HARTFORD, CONNECTICUT AND THE
TRAVELERS PROPERTY CASUALTY COMPANY,

SUBPOENA IN A CIVIL CASE

CASE NUMBER: 08 CV 2410

Defendants.

TO: Con Edison Company of New York
4 Irving Plaza
New York, New York 10003
212-243-1900

☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

☐ YOU ARE COMMANDED to appear the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE

DATE AND TIME

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

All documents, including but not limited to contracts, bills, invoices, proof of payment and logs, relating to electric and/or gas provided and services to the premises located at 45 Northfield Avenue, Dobbs Ferry, New York, for the time period March, 2006 through the present.

PLACE

**Rivkin Radler LLP
926 RexCorp. Plaza
Uniondale, New York 11556**

DATE AND TIME

August 11, 2008

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)



DATE

July 11, 2008

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Alan C. Eagle, Esq. (ACE 3451)

Rivkin Radler LLP

Attorneys for Defendant

926 RexCorp Plaza

Uniondale, New York 11556

(516) 357-3000

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on Reverse)

**SEE ATTACHED
AFFIDAVIT**

PROOF OF SERVICE

SERVED	DATE	PLACE
SERVED ON (PRINT NAME)		MANNER OF SERVICE
SERVED BY (PRINT NAME)		TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____
DATE

SIGNATURE OF SERVER

**SEE ATTACHED
AFFIDAVIT**

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fees.

(2)(A) A person commanded to produce and permit inspection and copying of a designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in

person, except that, subject to the provisions of a clause (c)(3)(B)(iii) of this rule, such a person may in order to attend

trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



2366

AFFIDAVIT OF SERVICE

For:

Joanne M. Engeldrum, Esq.
Rivkin Radler, LLP
926 Rexcorp Plaza
Uniondale, NY 11556-0111
516-357-3000

Court/Depo Date: 08/11/2008 at 9:00 AM
Index No.: 08 CV 2410(CLB)(GAY)

PLAINTIFF(S):	HARVINDER P. JULKA
DEFENDANT(S):	THE AUTOMOBILE INSURANCE COMPANY OF HARTFORD, CONNECTICUT AND THE TRAVELERS PROPERTY CASUALTY COMPANY

STATE OF NEW YORK
COUNTY OF SUFFOLK ss.:

Curtis Warren, the undersigned, being duly sworn, deposes and says that I was at the time of service over the age of eighteen and not a party to this action. I reside in the State of New York.

On **07/18/2008 at 11:55 AM**, I served the within **SUBPOENA IN A CIVIL CASE** on **CON EDISON COMPANY OF NEW YORK** at **4 IRVING PLACE, NEW YORK, NY 10003** in the manner indicated below:

CORPORATE SERVICE: By delivering a true copy of each to **BERNARD HERBERT, MANAGER** of the above named corporation. The undersigned asked the recipient if he/she is authorized to accept service on behalf of **CON EDISON COMPANY OF NEW YORK**, and the recipient responded in the affirmative.

A description of the Recipient, or other person served on behalf of the Recipient is as follows:

Sex	Color of skin	Color of hair	Age	Height	Weight
MALE	BLACK	BLACK	37	6'1" - 6'3"	211-240 lb.
Other Features:					

Sworn to and subscribed before me on
JUL 22 2008, 20

by an affiant who is personally known to
me or produced identification.

X C. Warren
Curtis Warren, License#: 870667
Due Process Attorney Services
P.O. Box 847
150 Main Street
Setauket, NY 11733
(631) 689-3801
Atty File#: 004584-00102

NOTARY PUBLIC

My Commission Expires: 2011

PATRICK J. PRENDERGAST
NOTARY PUBLIC, STATE OF NEW YORK
NO. 01PR5011185
QUALIFIED IN SUFFOLK COUNTY
COMMISSION EXPIRES 4/12/2011